

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL NO. 6:10CR31
	§	
LARRY GENE NORTH	§	

ELEMENTS OF OFFENSE

The defendant is charged in Count 1 of the information with Possession of an Unregistered Firearm - Destructive Device, in violation of Title 26, United States Code, Section 5861. The essential elements which must be proven to establish a violation of this offense are:

- FIRST: That the defendant knowingly possessed a firearm as defined in Title 26, United States Code, Section 5845(a)(8) and (f);
- SECOND: That the firearm was a destructive device, to wit a bomb (Molotov cocktail) as defined in Title 18, United States Code, Section 921(a)(4)(A);
- THIRD: That the defendant knew of the characteristics of the firearm, that is, that it was a Molotov cocktail;
- FOURTH: That the firearm was (could readily have been put) in operating condition; and,
- FIFTH: That the firearm was not registered to the defendant in the National Firearms Registration and Transfer Record. It does not matter whether the defendant knew that the firearm was not registered or had to be registered.

The defendant is charged in Count 2 of the information with Use of Weapons of Mass Destruction, in violation of Title 18, United States Code, Section 2332a(a)(2)(A). The essential elements which must be proven to establish a violation of this offense are:

- FIRST: The defendant knowingly threatened and attempted to use a weapon of mass destruction, as defined in Title 18, United States Code, Section 2332a(c)(2)(A), without lawful authority;
- SECOND: The defendant used said weapon of mass destruction against property that was owned and used by the United States, and in furtherance of the offense, used the mail and a facility of interstate commerce, that is, a United States Postal Service mail depository.

The defendant is charged in Count 3 of the information with Obstruction of Mail, in violation of Title 18, United States Code, Section 1701. The essential elements which must be proven to establish a violation of this offense are:

- FIRST: The defendant knowingly and willfully placed a destructive device, as defined in Title 18, United States Code, Section 921(a)(4), in a United States Postal Service mail depository.
- SECOND: The defendant thereby obstructed and retarded the passage of the mail in a conveyance carrying the mail.

Respectfully submitted,

JOHN M. BALES
UNITED STATES ATTORNEY

/s/ Richard L. Moore
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CERTIFICATE OF SERVICE

On this the 28th day of June, 2011, I, Richard L. Moore, Assistant United States Attorney for the Eastern District of Texas, the attorney of record for the United States of America herein, do certify that a true and correct copy of the foregoing instrument has been served on counsel of record for defendant via hand delivery.

/s/ Richard L. Moore
RICHARD L. MOORE